

## STATE OF SOUTH CAROLINA

## (Caption of Case)

Application of dPi Teleconnect, LLC for  
Certification as an Eligible Telecommunications  
Carrier

BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA

190397

## COVER SHEET

Posted:

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Dept:

S.A.

Date:

1/25/08

Time:

4:15

## DOCKET

NUMBER: 2008 - 31 - C

(Please type or print)

Submitted by: Scott Elliott

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NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

## DOCKETING INFORMATION (Check all that apply)

- ☐ Emergency Relief demanded in petition ☐ Request for item to be placed on Commission's Agenda expeditiously
- ☐ Other:

## INDUSTRY (Check one)

## NATURE OF ACTION (Check all that apply)

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|--|--|--|--|
| <input type="checkbox"/> Electric                      | <input type="checkbox"/> Affidavit                 | <input type="checkbox"/> Letter                            | <input type="checkbox"/> Request                   |
| <input type="checkbox"/> Electric/Gas                  | <input type="checkbox"/> Agreement                 | <input type="checkbox"/> Memorandum                        | <input type="checkbox"/> Request for Certification |
| <input type="checkbox"/> Electric/Telecommunications   | <input type="checkbox"/> Answer                    | <input type="checkbox"/> Motion                            | <input type="checkbox"/> Request for Investigation |
| <input type="checkbox"/> Electric/Water                | <input type="checkbox"/> Appellate Review          | <input type="checkbox"/> Objection                         | <input type="checkbox"/> Resale Agreement          |
| <input type="checkbox"/> Electric/Water/Telecom.       | <input checked="" type="checkbox"/> Application    | <input type="checkbox"/> Petition                          | <input type="checkbox"/> Resale Amendment          |
| <input type="checkbox"/> Electric/Water/Sewer          | <input type="checkbox"/> Brief                     | <input type="checkbox"/> Petition for Reconsideration      | <input type="checkbox"/> Reservation Letter        |
| <input type="checkbox"/> Gas                           | <input type="checkbox"/> Certificate               | <input type="checkbox"/> Petition for Rulemaking           | <input type="checkbox"/> Response                  |
| <input type="checkbox"/> Railroad                      | <input type="checkbox"/> Comments                  | <input type="checkbox"/> Petition for Rule to Show Cause   | <input type="checkbox"/> Response to Discovery     |
| <input type="checkbox"/> Sewer                         | <input type="checkbox"/> Complaint                 | <input type="checkbox"/> Petition to Intervene             | <input type="checkbox"/> Return to Petition        |
| <input checked="" type="checkbox"/> Telecommunications | <input type="checkbox"/> Consent Order             | <input type="checkbox"/> Petition to Intervene Out of Time | <input type="checkbox"/> Stipulation               |
| <input type="checkbox"/> Transportation                | <input type="checkbox"/> Discovery                 | <input type="checkbox"/> Prefiled Testimony                | <input type="checkbox"/> Subpoena                  |
| <input type="checkbox"/> Water                         | <input type="checkbox"/> Exhibit                   | <input type="checkbox"/> Promotion                         | <input type="checkbox"/> Tariff                    |
| <input type="checkbox"/> Water/Sewer                   | <input type="checkbox"/> Expedited Consideration   | <input type="checkbox"/> Proposed Order                    | <input type="checkbox"/> Other:                    |
| <input type="checkbox"/> Administrative Matter         | <input type="checkbox"/> Interconnection Agreement | <input type="checkbox"/> Protest                           |  |
| <input type="checkbox"/> Other:                        | <input type="checkbox"/> Interconnection Amendment | <input type="checkbox"/> Publisher's Affidavit             |  |
|  | <input type="checkbox"/> Late-Filed Exhibit        | <input type="checkbox"/> Report                            |  |

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DOCKETING DEPT.

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TELEPHONE (803) 771-0555  
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January 25, 2008

VIA HAND DELIVERY

Charles L. A. Terreni, Esquire  
Chief Clerk and Administrator  
South Carolina Public Service Commission  
101 Executive Center Drive  
Columbia, SC 29210

RECEIVED  
2008 JAN 25 PM 3:58  
SC PUBLIC SERVICE  
COMMISSION

RE: Application of dPi Teleconnect, LLC for Certification as an  
Eligible Telecommunications Carrier

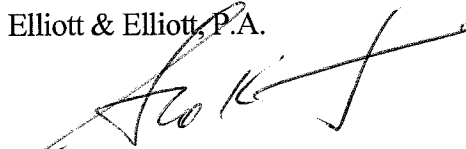
Dear Mr. Terreni:

Enclosed please find for filing an original and fifteen (15) copies of the Application of dPi Teleconnect, LLC for Certification as an Eligible Telecommunications Carrier. By copy of this letter, I am serving the Office of Regulatory Staff.

I have enclosed an extra copy of this application which I would ask you to date stamp and return to me through my courier. If you have any questions or if I may provide you with any additional information, please do not hesitate to contact me. Thank you.

Sincerely,

Elliott & Elliott, P.A.



Scott Elliott

SE/jcl  
Enclosures

cc: Lance J.M. Steinhart, Esquire

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JAN 25 2008

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**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF SOUTH CAROLINA**

RECEIVED  
2008 JAN 25 PM 3:58  
SC PUBLIC SERVICE  
COMMISSION

<b>IN RE: APPLICATION OF</b>	)	
<b>DPI TELECONNECT, LLC</b>	)	
<b>FOR CERTIFICATION AS AN ELIGIBLE</b>	)	<b>DOCKET NO. 2008-</b>
<b>TELECOMMUNICATIONS CARRIER</b>	)	<b>DATE:</b>

**APPLICATION FOR CERTIFICATION AS AN ELIGIBLE  
TELECOMMUNICATIONS CARRIER**

dPi Teleconnect, LLC (“dPi” or the “Company”), pursuant to Section 214(e)(2) of the Communications Act of 1934, as amended (the “Act”)<sup>1</sup> and Sections 54.101 through 54.207 of the Rules of the Federal Communications Commission (“FCC”),<sup>2</sup> and the rules and regulations of the South Carolina Public Service Commission (the “Commission”), hereby applies to the Commission for certification as an Eligible Telecommunications Carrier (“ETC”) throughout the non-rural BellSouth/AT&T service territories (the “Designated Service Area”) for the purpose of receiving federal universal service support. The Company is seeking only low income support, and is not requesting high cost support. As demonstrated below, dPi satisfies all of the statutory and regulatory requirements for designation as an ETC in the Designated Service Area. Furthermore, designation of dPi as an ETC in the Designated Service Area will serve the public interest. Accordingly, dPi respectfully requests that the Commission grant this Application.

All correspondence, communications, pleadings, notices, orders and decisions relating to this Application should be addressed to:

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<sup>1</sup> 47 U.S.C. § 214(e)(2).

<sup>2</sup> 47 C.F.R. §§ 54.101-54.207.

Lance J.M. Steinhart  
Lance J.M. Steinhart, P.C.  
Attorney for Applicant  
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With a copy to:

Applicant's local counsel:

Scott Elliott, Esq.  
Elliott & Elliott, P.A.  
721 Olive Street  
Columbia, SC 29205  
(803) 771-0555 (Phone)  
(803) 771-8010 (Fax)

## **I. Background**

1. dPi is a Delaware limited liability company<sup>3</sup> and is authorized to conduct business as a foreign limited liability company in the State of South Carolina. Copies of the Company's Articles of Organization and authority to transact business in the State of South Carolina are on file with the Commission and incorporated herein by reference. The Company was granted a Certificate of Public Convenience and Necessity to Provide Local Exchange Telecommunications Services within the State of South Carolina Pursuant to Order No. 2000-0470 issued in Docket No. 98-640-C on June 5, 2000. The principal office of the Company is located at 2997 LBJ Freeway, Suite 225, Dallas, TX 75234. The telephone number of the Applicant is 972-488-5500. The Company provides local exchange and exchange access services in the Designated Service Area using a combination of resale and

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<sup>3</sup> dPi was organized in the State of Delaware on January 15, 1999

unbundled network elements, or unbundled network equivalents obtained through commercial agreements (“UNEs”) that allows end-to-end switching delivery of calls.

2. As set forth in Section 214(e)(2) of the Act, the Commission “shall upon its own motion or upon request designate a common carrier that meets the requirements of [Section 214(e)(1)] as an eligible telecommunications carrier for a service area designated by the State commission.”<sup>4</sup> Upon designation as an ETC, the carrier shall be eligible to receive universal support in accordance with Section 254 of the Act.<sup>5</sup>

3. The requirements for designation as an ETC set forth in Section 214(e)(1) are that the carrier must:

- (A) offer the services that are supported by Federal universal support mechanisms under section 254(c), either using its own facilities or a combination of its own facilities and resale of another carrier’s services (including the services offered by another eligible telecommunications carrier); and
- (B) advertise the availability of such services and the charges therefore using the media of general distribution.<sup>6</sup>

## **II. dPi Satisfies the Requirements for Designation as an ETC to Serve the Designated Service Area**

4. dPi is a common carrier as that term is defined in the Act.<sup>7</sup> The Company provides competitive local telecommunications services in the Designated Service Area pursuant to Order No. 2000-0470 issued in Docket No. 98-640-C referenced above.

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<sup>4</sup> 47 U.S.C. § 214(e)(2); *see* 47 C.F.R. § 54.201(b) (FCC Rules citing the Act’s requirements).

<sup>5</sup> 47 U.S.C. § 214(e)(1).

<sup>6</sup> *Id.*

<sup>7</sup> *See* 47 U.S.C. § 153(10) (“the term ‘common carrier’ or ‘carrier’ means any person engaged as a common carrier for hire, in interstate or foreign communication by wire or radio or in interstate or foreign radio transmission of energy . . .”).

5. dPi offers all of the supported services enumerated under Section 254(c) using facilities obtained as UNEs, or the equivalents thereof, through commercial agreements. According to FCC Rules, facilities obtained as UNEs satisfy the requirement that an ETC provide the supported services using either its own facilities or a combination of its own facilities and resale of another carrier's services.<sup>8</sup> Accordingly, the Company satisfies the requirement set forth in Section 214(e)(1)(A).

6. The services that are supported by Federal universal support mechanisms under section 254(c) are enumerated in the rules of the Federal Communications Commission ("FCC") at 47 C.F.R. § 54.101(a)(1)-(9). These services are:

- a) Voice grade access to the public switched network. "Voice grade access" is defined as a functionality that enables a user of telecommunications services to transmit voice communications, including signaling the network that the caller wishes to place a call, and to receive voice communications, including receiving a signal indicating there is an incoming call. For the purposes of this part, bandwidth for voice grade access should be, at a minimum, 300 to 3,000 Hertz;
- b) Local usage. "Local usage" means an amount of minutes of use of exchange service, prescribed by the FCC, provided free of charge to end users;

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<sup>8</sup> Section 54.201(f) of the FCC's Rules states, "[f]or the purposes of this section, the term 'own facilities' includes, but is not limited to, facilities obtained as unbundled network elements pursuant to Part 51 of this chapter, provided that such facilities meet the definition of the term 'facilities' under this subpart." 47 C.F.R. § 54.201(f). The term "facilities" under Section 54.201 is defined as "any physical components of the telecommunications network that are used in the transmission or routing of the services that are designated for support pursuant to subpart B of this part." 47 C.F.R. § 54.201(e). dPi's use of UNEs, or equivalents thereof, meets this definition of "facilities."

- c) Dual tone multi-frequency signaling or its functional equivalent. "Dual tone multi-frequency" (DTMF) is a method of signaling that facilitates the transportation of signaling through the network, shortening call set-up time;
- d) Single-party service or its functional equivalent. "Single-party service" is telecommunications service that permits users to have exclusive use of a wireline subscriber loop or access line for each call placed, or, in the case of wireless telecommunications carriers, which use spectrum shared among users to provide service, a dedicated message path for the length of a user's particular transmission;
- e) Access to emergency services. "Access to emergency services" includes access to services, such as 911 and enhanced 911, provided by local governments or other public safety organizations. 911 is defined as a service that permits a telecommunications user, by dialing the three-digit code "911," to call emergency services through a Public Service Access Point (PSAP) operated by the local government. "Enhanced 911" is defined as 911 service that includes the ability to provide automatic numbering information (ANI), which enables the PSAP to call back if the call is disconnected, and automatic location information (ALI), which permits emergency service providers to identify the geographic location of the calling party. "Access to emergency services" includes access to 911 and enhanced 911 services to the extent the local government in an eligible carrier's service area has implemented 911 or enhanced 911 systems;

- f) Access to operator services. "Access to operator services" is defined as access to any automatic or live assistance to a consumer to arrange for billing or completion, or both, of a telephone call;
- g) Access to interexchange service. "Access to interexchange service" is defined as the use of the loop, as well as that portion of the switch that is paid for by the end user, or the functional equivalent of these network elements in the case of a wireless carrier, necessary to access an interexchange carrier's network;
- h) Access to directory assistance. "Access to directory assistance" is defined as access to a service that includes, but is not limited to, making available to customers, upon request, information contained in directory listings; and
- i) Toll limitation for qualifying low-income consumers.

7. Upon certification as an ETC, dPi will participate in, and offer, LifeLine and Link-Up programs to qualifying low-income consumers and publicize the availability of Lifeline and Link-Up services in a manner reasonably designed to reach those likely to qualify for those services, as required by FCC Rules.<sup>9</sup>

8. dPi will advertise the availability of the above-referenced services and the charges for those services in the Designated Service Area using media of general distribution, as required by FCC Rules.<sup>10</sup>

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<sup>9</sup> See 47 C.F.R. §§ 54.401-54.417; 54.405(b)& 54.411(d).

<sup>10</sup> See 47 C.F.R. §§ 54.201(d)(2).



### **III. Area for Which ETC Certification Is Requested**

12. dPi has served and will continue to serve the exchanges where it leases UNEs or resells the services of the non-rural telephone companies in the Designated Service Area. dPi does not seek certification as an ETC in any areas served by rural telephone companies.

### **IV. Granting dPi's Application Will Serve the Public Interest**

13. Congress requires that the Commission grant competitive ETC applications in non-rural areas.<sup>11</sup> No specific public interest test is mentioned, as is the case for areas served by rural telephone companies.<sup>12</sup> Thus, the Act provides that the Commission "shall" designate dPi as an ETC upon finding that the company meets the nine-point list of services and that it agrees to advertise the supported services throughout the Designated Service Area. Notwithstanding, the designation of dPi as an ETC will serve the public interest.

14. A central purpose of the Telecommunications Act of 1996 was to "promote competition and reduce regulation ... [thereby securing] lower prices and higher quality services ... and encourage the rapid deployment of new telecommunications technologies."<sup>13</sup> Designation of dPi as an ETC would further these goals. Granting ETC status to dPi would allow the Company to obtain federal universal service support, which it will use to offer innovative telecommunications services at competitive prices to non-rural consumers in the Designated Service Area.

15. dPi will announce and advertise telecommunications services as an ETC where it provides service in its Designated Service Area in South Carolina and will publicize the

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<sup>11</sup> See 47 U.S.C. 214(e)(2).

<sup>12</sup> See *Id.*

<sup>13</sup> The Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56, 56 (1996).

availability of Lifeline and Link-Up services in a manner reasonably designed to reach those likely to qualify for those services. Accordingly, more low-income South Carolina residents will be made aware of the opportunities afforded to them under the Lifeline and Link-Up programs and will be able to take advantage of those opportunities by subscribing to dPi's service.

16. dPi will provide universal service as an ETC in all of its Designated Service Area.

17. dPi is willing to accept carrier of last resort obligations throughout the universal service areas in which dPi is designated as an ETC by the Commission.

18. dPi is aware that it may seek USF funding only with respect to those customers that it serves through the use of its own facilities (including UNE-P or equivalent facilities).

19. dPi will provide equal access to long distance carriers, to the extent to which it is able to do so.

20. Under FCC guidelines, an ETC Applicant must submit a five-year plan that describes with specificity proposed improvements or upgrades to the applicant's network on a wire center-by-wire center basis throughout its proposed Designated Service Area. The only circumstance warranting deviation from this requirement is where an applicant's requested ETC serving territory would qualify it to receive no "high cost" USF support, but only "low income" USF support. Because dPi seeks ETC designation solely for purposes of reimbursement for provision of subsidized Lifeline and Link-Up services to eligible customers, submission of a Five-Year Network Improvement Plan is not required at this time.

21. Applicant offers a local usage plan comparable to the one offered by the incumbent LEC in the service areas for which it seeks designation.

22. Under FCC guidelines, an ETC Applicant must demonstrate that it will satisfy applicable consumer protection and service quality standards. 47 CFR §54.202(a)(3); FCC ETC

Order at Para 28. Applicant will satisfy all such standards. As part of its certification requirements for providing local exchange services, Applicant must abide by the service quality and consumer protection rules. In addition, Applicant commits to reporting information on consumer complaints per 1,000 lines on an annual basis consistent with the FCC's ETC Order. Applicant in general commits to satisfying all such applicable state and federal requirements related to consumer protection and service quality standards.

23. Under FCC guidelines, an ETC Applicant must demonstrate its ability to remain functional in emergency situations. 47 CFR §54.202(a)(2); FCC ETC Order at Para 25.

Since Applicant is providing service to its customers through the use of ILEC leased facilities, this arrangement allows Applicant to provide to its customers the same ability to remain functional in emergency situations as currently provided by the ILECs to their own customers, including access to a reasonable amount of back-up power to ensure functionality without an external power source, rerouting of traffic around damaged facilities, and the capability of managing traffic spikes resulting from emergency situations.

24. Under FCC guidelines, an ETC Applicant must commit to provide service throughout its proposed designated service area to all customers making a reasonable request for service. FCC ETC Order at Para 22; 47 CFR §54.202(a)(1)(i). Applicant commits to provide service throughout its proposed ETC-designated service area to all customers making a reasonable request for service.

25. By this application, Applicant hereby asserts its willingness and ability to comply with all the rules and regulations that the Commission may lawfully impose upon Applicant's provision of service contemplated by this application.

26. Upon Commission request, Applicant is prepared to answer questions or present additional testimony or other evidence about its services within the state.

**V. Relief Requested**

For the foregoing reasons, dPi respectfully requests that the Commission grant its application and designate the Company as an ETC for the Designated Service Area.

Respectfully submitted this 25<sup>th</sup> day of January, 2008.

By: Lance J.M. Steinhart  
Lance J.M. Steinhart, Esq.

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(803) 771-0555 (Phone)  
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Its Attorneys

## CERTIFICATE OF SERVICE

The undersigned employee of Elliott & Elliott, P.A. does hereby certify that she has served below listed parties with a copy of the pleading(s) indicated below by mailing a copy of same to them in the United States mail, by regular mail, with sufficient postage affixed thereto and return address clearly marked on the date indicated below:

RE: Application of dPi Teleconnect, LLC for Certification  
as an Eligible Telecommunications Carrier

DOCKET NO.:

PARTIES SERVED: C. Dukes Scott, Esquire  
Office of Regulatory Staff  
PO Box 11263  
Columbia, SC 29211

PLEADING: APPLICATION

January 25, 2008

  
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Marcia W. Walters, Legal Assistant

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COMMISSION